



UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

January 2023 Grand Jury

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARC JESUS LOPEZ and
JUAN NICOLAS BENITEZ,

Defendants.

CR 2:23-cr-00126-FLA

I N D I C T M E N T

[18 U.S.C. §§ 922(g)(1), (9),
924(e)(1): Prohibited Person in
Possession of Ammunition; 18
U.S.C. § 924(d)(1) and 28 U.S.C.
§ 2461(c): Criminal Forfeiture]

The Grand Jury charges:

[ALL DEFENDANTS]

[18 U.S.C. §§ 922(g)(1), (9), 924(e)(1), 2(a)]

On or about February 3, 2022, in Los Angeles County, within the Central District of California, defendants MARC JESUS LOPEZ and JUAN NICOLAS BENITEZ, each aiding and abetting the other, knowingly possessed approximately 61 rounds of Prvi Partizan and CCI/Speer 9mm caliber ammunition, including two rounds in defendant BENITEZ's pants pocket, two rounds in another pair of jeans, twelve rounds loaded within two Glock-style Polymer80 9mm caliber handguns that did not contain a legitimate manufacturing mark or serial number (also known

1 as a "ghost gun"), and forty-five rounds loaded in two large capacity
2 magazines, in and affecting interstate and foreign commerce.

3 Defendant LOPEZ possessed such ammunition knowing that he had
4 previously been convicted of at least one of the following felony
5 crimes, each punishable by a term of imprisonment exceeding one year,
6 namely:

7 1. Assault by Means Likely to Produce Great Bodily Injury, in
8 violation of California Penal Code Section 245(a)(1), in the Superior
9 Court of the State of California, County of Los Angeles, Case Number
10 SA076671, on or about March 25, 2011;

11 2. Assault by Means Likely to Produce Great Bodily Injury, in
12 violation of California Penal Code Section 245(a)(4), in the Superior
13 Court of the State of California, County of Los Angeles, Case Number
14 SA081508, on or about November 26, 2012;

15 3. Injuring a Spouse, Cohabitant, in violation of California
16 Penal Code Section 273.5(f)(2), in the Superior Court of the State of
17 California, County of Los Angeles, Case Number SA090508, on or about
18 June 17, 2015;

19 4. Assault with Bodily Injury, in violation of California
20 Penal Code Section 245(a)(4), in the Superior Court of the State of
21 California, County of Los Angeles, Case Number SA094939, on or about
22 March 13, 2017;

23 5. Possession of Firearm by Felon, in violation of California
24 Penal Code Section 29800(a)(1), in the Superior Court of the State of
25 California, County of Los Angeles, Case Number BA468797, on or about
26 July 18, 2018; and

27 6. Possession of Firearm by Felon, in violation of California
28 Penal Code Section 29800(a)(1), in the Superior Court of the State of

1 California, County of Los Angeles, Case Number YA101212-01, on or
2 about December 10, 2019.

3 Defendant LOPEZ possessed such ammunition knowing that he had
4 been convicted of a misdemeanor crime of domestic violence, namely,
5 Domestic Battery, in violation of California Penal Code Sections 242-
6 243(e)(1), in the Superior Court of the State of California, County
7 of Los Angeles, Case Number 2WA00777, on or about November 27, 2012.

8 Defendant LOPEZ possessed such ammunition knowing that he had
9 previously been convicted of at least three of the following violent
10 felony crimes, as defined in Title 18, United States Code, Section
11 924(e), committed on occasions different from one another:

12 1. Assault by Means Likely to Produce Great Bodily Injury, in
13 violation of California Penal Code Section 245(a)(1), in the Superior
14 Court of the State of California, County of Los Angeles, Case Number
15 SA076671, on or about March 25, 2011.

16 2. Assault by Means Likely to Produce Great Bodily Injury, in
17 violation of California Penal Code Section 245(a)(4), in the Superior
18 Court of the State of California, County of Los Angeles, Case Number
19 SA081508, on or about November 26, 2012.

20 3. Injuring a Spouse, Cohabitant, in violation of California
21 Penal Code Section 273.5(f)(2), in the Superior Court of the State of
22 California, County of Los Angeles, Case Number SA090508, on or about
23 June 17, 2015.

24 4. Assault with Bodily Injury, in violation of California
25 Penal Code Section 245(a)(4), in the Superior Court of the State of
26 California, County of Los Angeles, Case Number SA094939, on or about
27 March 13, 2017.

1 Defendant BENITEZ possessed such ammunition knowing that he had
2 been convicted of a misdemeanor crime of domestic violence, namely,
3 Corporal Injury to a Spouse, in violation of California Penal Code
4 Section 273.5, in the Superior Court for the State of California,
5 County of Los Angeles, Case Number 1CJ03361, on or about September 7,
6 2021.

FORFEITURE ALLEGATION

[18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c)]

1. Pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure, notice is hereby given that the United States of America will seek forfeiture as part of any sentence, pursuant to Title 18, United States Code, Section 924(d)(1), and Title 28, United States Code, Section 2461(c), in the event of any defendant's conviction of the offenses set forth in this Indictment.

2. Any defendant so convicted shall forfeit to the United States of America the following:

(a) All right, title, and interest in any firearm or ammunition involved in or used in any such offense; and

(b) To the extent such property is not available for forfeiture, a sum of money equal to the total value of the property described in subparagraph (a).

3. Pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c), the convicted defendant shall forfeit substitute property, up to the value of the property described in the preceding paragraph if, as the result of any act or omission of said defendant, the property described in the preceding paragraph or any portion thereof (a) cannot be located upon the exercise of due diligence; (b) has been transferred, sold to, or deposited with a third party; (c) has been placed beyond the jurisdiction of the court; (d) has been

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substantially diminished in value; or (e) has been commingled with other property that cannot be divided without difficulty.

A TRUE BILL

/s/
Foreperson

E. MARTIN ESTRADA
United States Attorney

MACK E. JENKINS
Assistant United States Attorney
Chief, Criminal Division



SCOTT M. GARRINGER
Assistant United States Attorney
Deputy Chief, Criminal Division

SHAWN J. NELSON
Assistant United States Attorney
Acting Deputy Chief, General
Crimes Section

SAMUEL J. DIAZ
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Section